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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,472	02/17/2004	Adrianus Johannes Mattheus Bernsen	NL000070A	1403

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

YAMNITZKY, MARIE ROSE

ART UNIT PAPER NUMBER

1774

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/780,472

Applicant(s)

MATTHEUS BERNTSEN ET  
AL.

Examiner

Marie R. Yamnitzky

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 01 November 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

## Continuation of 1(c) Other:

Changes to pages 3, 8, 10, 12 and 13 are not presented in the form of replacement paragraphs with appropriate markings to show deleted and added matter. (This same problem existed with the amendments to the specification filed 09 September 2005, and should have been noted in the Notice of Non-Compliant Amendment mailed 21 September 2005.)

Applicant is only required to provide a corrected, compliant amendments to the specification section in response to this Notice.

Applicant may want to provide a corrected amendments to the claims section to correct the following informalities in the previous amendment: the status identifier for claims 1-12 should be in parentheses, the status identifiers for claims 13-20 should not be underlined, and the correct status identifier for claims 14, 16 and 18-20 is (Previously Presented) rather than (Original) because these claims were added by preliminary amendment and therefore are not original claims.

Regarding the proposed amendment to page 8, line 6, applicant may want to consider merely deleting lines 5-6 on page 8. The examiner notes that much of the proposed added text is repetitive, some of the proposed text does not directly relate to what was claimed in original claims 11 and 12, and some of the text is confusing.

Regarding the proposed amendment to pages 3, 10, 12 and 13, the examiner notes that the proposed amendment is inconsistent with changes made during prosecution of parent application No. 09/790,201, and the proposed amendment to p. 10, l. 1 is inconsistent with the disclosure of WO 99/21936 (p. 10, l. 1 referring to a polymer disclosed in WO 99/21936).

The Remarks section of the response filed 01 November 2005 contains numerous occurrences of strikethrough and underlining. Applicant's representative may want to submit a clean copy of the remarks in response to this Notice.

If there are any questions regarding this Notice, applicant's representative is requested to call the examiner at telephone number (571) 272-1531.



**MARIE YAMNITZKY**  
**PRIMARY EXAMINER**

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